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4 103 Larkspur Landing Circle, Suite 212
5 Larkspur, CA 94939
6 Telephone: 415.461.2700
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8 **Attorneys for Defendants**

9 **ROCKRIDGE MANOR HOMEOWNERS' ASSOCIATION AND SPECIALLY
APPEARING DEFENDANTS CHARLES BLAKENEY AND PURPORTED
ENTITIES ROCKRIDGE MANOR CONDOMINIUM AND ROCKRIDGE
MANOR BOARD OF DIRECTORS**

10 **IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

11 **CHRISTINE CHANG, individually and as Guardian ad
litem for ERIC SUN, disabled**

12 **Plaintiffs,**

13 **v.**

14 **ROCKRIDGE MANOR CONDOMINIUM, ROCKRIDGE
MANOR HOMEOWNERS ASSO; ROCKRIDGE
MANOR BOARD OF DIRECTORS; ROCKRIDGE
MANOR PRESIDENT OF BOARD OF DIRECTORS
CHARLES BLAKENEY; ROCKRIDGE MANOR
MANAGER EVA AMMANN; TRUCK INSURANCE
EXCHANGE; AND DOES 1-30, inclusive,
JOINDER**

15 **UNIVERSITY OF CALIFORNIA BERKELEY; UC
BERKELEY CHANCELLOR ROBERT BIRGENEAU; UC
BERKELEY PUBLIC RECORDS COORDINATOR
ALAN KOLLING; UC BERKELEY GENERAL
COUNSEL SUSAN VON SEEBURG; UC BERKELEY
POLICE DEPARTMENT CHIEF VICTORIA
HARRISON; UC BERKELEY POLICE DEPARTMENT
LIEUTENANT ADAN TEJADA; UC BERKELEY
POLICE DEPARTMENT MANAGER TOM KLATT; UC
BERKELEY POLICE DEPARTMENT DISPATCHER
CONSTANCE PEPPERS CELAYA; and DOES 31-60,
inclusive,**

16 **JOINDER**

17 **PAMELA ZIMBA, ATTORNEY AT LAW; ALBERT
COOMBES, ATTORNEY AT LAW; and DOES 61-90,
inclusive.**

18 **Defendants**

19 **DECLARATION OF CHARLES BLAKENEY IN SUPPORT OF
DEFENDANTS ROCKRIDGE MANOR HOMEOWNERS'
ASSOCIATION, CHARLES BLAKENEY, ROCKRIDGE MANOR
CONDOMINIUM AND ROCKRIDGE MANOR BOARD OF
DIRECTORS' MOTION FOR RELIEF FROM DEFAULT AND
IN OTHERS TO MOTION FOR DEFAULT JUDGMENT AND
LEAVE TO FILE MOTION TO DISMISS AND MOTION FOR**

20 **Case No.: C07-4005 EMC**

21 **DECLARATION OF CHARLES
BLAKENEY IN SUPPORT OF
DEFENDANTS ROCKRIDGE
MANOR HOMEOWNERS'
ASSOCIATION, CHARLES
BLAKENEY, ROCKRIDGE MANOR
CONDOMINIUM AND ROCKRIDGE
MANOR BOARD OF DIRECTORS'
MOTION FOR RELIEF FROM
DEFAULT AND FOR LEAVE TO
FILE MOTION TO DISMISS AND
MOTION FOR SUMMARY
JUDGMENT**

22 **Date:**

23 **Time:**

24 **Room: C**

25 **Judge: Magistrate Judge Edward M. Chen**

26 **ALLMAN & NIELSEN, P.C.
103 Larkspur Landing Circle Suite 212
Larkspur, CA 94939
Telephone: 415.461.2700 Facsimile: 415.461.2726**

1 I, Charles Blakeney, declare as follows:

2 I live at 288 Whitmore Street in Oakland, CA at the condominium complex known as
 3 "Rockridge Manor." I am currently a member of the Board of Directors of the Rockridge Manor
 4 Homeowners' Association and was previously its president.

5 I was a defendant in Alameda County Superior Court, Case no. 2001-023364 entitled *Chang*
 6 v. *Anmann*. Rockridge Manor Homeowners Association, other members of the Board of Directors
 7 and I were defended in that action by the law firm of Allman & Nielsen, P.C. who were the
 8 attorneys retained by Truck Insurance Exchange to defend the case. That case was settled, a release
 9 was signed by the plaintiffs, and the case was dismissed in 2005. The last time I saw or had any
 10 contact with plaintiff Christine Chang was when she attended the two sessions of my deposition
 11 taken in July and August, 2004. I have had no contact or communication with plaintiff Eric Sun
 12 since well before that time.

13 Although I received a copy of the summons and complaint in this action from Mr. Adelio
 14 Zunino, the Rockridge Manor Homeowners Association manager, I have never been personally
 15 served with the summons and complaint. I have not received a copy of the summons and complaint
 16 from plaintiffs or any of their representatives, personally, by mail or by any other means. I have
 17 never authorized Mr. Zunino to accept service of process on my behalf.

18 During my early September 2007 discussions with Adelio Zunino and my discussion with
 19 Scott Halbrook, Rockridge Manor Homeowners Association's insurance agent who was present at
 20 the September 19, 2007 Board of Directors meeting, I believed that the summonses and complaints
 21 had been brought to the attention of Truck Insurance Exchange, the insurance carrier for Rockridge
 22 Manor Homeowners Association, and that the case was in the process of being handled by Truck or
 23 its retained attorneys.

24 As I have never been served with the summons and complaint, I have always believed that I
 25 am not obligated to file an answer or other responsive pleading to the complaint.

26 I was surprised and upset to learn, on October 9, 2007, that plaintiffs had requested that the
 27 court enter a default judgment against me. On October 9, 2007, I contacted Scott Halbrook to talk
 28 with him about the problem. Later that day, or the next day, I spoke with Farmers Insurance
 29 Company claim representative, Kevin O'Dwyer.

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31 DECLARATION OF CHARLES BLAKENEY IN SUPPORT OF
 32 DEFENDANT'S ROCKRIDGE MANOR HOMEOWNERS'
 ASSOCIATION, CHARLES BLAKENEY, ROCKRIDGE MANOR
 COMMUNIUM AND ROCKRIDGE MANOR BOARD OF
 DIRECTORS' MOTION FOR RELIEF FROM DEFAULT AND IN
 OPPOSITION TO MOTION FOR DEFAULT JUDGMENT AND
 LEAVE TO FILE MOTION TO DISMISS AND MOTION FOR

ALLMAN & NIELSEN, P.C.
 100 Larkspur Landing Circle, Suite 212
 Larkspur, CA 94939
 Telephone: 415.461.2700 Facsimile: 415.461.5716

1 I declare under penalty of perjury that the foregoing is true and correct and that this declaration was
2 executed at Oakland, California on November 1, 2007.

3 *Charles H. Blakney*
4 CHARLES BLAKENEY
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31 DECLARATION OF CHARLES BLAKENEY IN SUPPORT OF
32 PETITIONERS ROCKBRIDGE MANOR HOMEOWNERS'
ASSOCIATION, CHARLES BLAKENEY, ROCKBRIDGE MANOR
COUNCIL, COUNCIL AND ROCKBRIDGE MANOR BOARD OF
DIRECTORS' MOTION FOR RELIEF FROM DEFAULT AND IN
OPPOSITION TO MOTION FOR DEFALTS JUDGMENT AND
LEAVES TO FILE MOTION TO DISMISS AND MOTION FOR

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Larkspur, CA 94939
Telephone: 415.461.2700 Facsimile: 415.461.2736

PROOF OF SERVICE

I am a citizen of the United States and employed in Marin County, California. I am over the age of eighteen years and not a party to the within action. My business address is 100 Larkspur Landing Circle, Suite 212, Larkspur, California 94939-1743.

On this date I served the foregoing documents described as:

**DECLARATION OF CHARLES BLAKENEY IN SUPPORT OF DEFENDANTS
ROCKRIDGE MANOR HOMEOWNERS' ASSOCIATION, CHARLES BLAKENEY,
ROCKRIDGE MANOR CONDOMINIUM AND ROCKRIDGE MANOR BOARD OF
DIRECTORS' MOTION FOR RELIEF FROM DEFAULT AND FOR LEAVE TO FILE
MOTION TO DISMISS AND MOTION FOR SUMMARY JUDGMENT**

on the interested parties in the action by placing [] the original [x] a true copy thereof, enclosed in a sealed envelope addressed as follows:

Christine Chang
341 Tideway Drive #214
Alameda, CA 94501
Telephone (510) 769-8232

Pro Se, individually and as Guardian ad Litem
for ERIC SUN, disabled

**Gaylyn Kirn Conant
LOMBARDI, LOPER & CONANT, LLP
Lake Merritt Plaza
1999 Harrison Street, Suite 2600
Oakland, CA 94612
Telephone: (510) 433-2600
Facsimile: (510) 433-2699**

Attorney for Defendants
THE REGENTS OF THE UNIVERSITY OF
CALIFORNIA, ROBERT BIRGENEAU,
CONSTANCE PEPPERS CELAYA, ADAN
TEJADA, VICTORIA HARRISON, ALLAN
KOLLING, TOM KLATT AND SUSAN VON
SEEBURG

Lee J. Danforth
Coddington Hicks & Danforth
555 Twin Dolphin Drive Suite 300
Redwood City CA 94065
Telephone: (650) 592-5400

[] **BY MAIL:** I deposited such envelope with postage thereon fully prepaid in the mailbox regularly maintained by the delivery service carrier at Larkspur, California.

BY PERSONAL SERVICE: I delivered such envelope by hand to the addressee.

BY FACSIMILE: I sent such document via facsimile to the facsimile machine of the addressee.

**DECLARATION OF CHARLES BLAKENEY IN SUPPORT OF
DEFENDANTS ROCKRIDGE MANOR HOMEOWNERS'
ASSOCIATION, CHARLES BLAKENEY, ROCKRIDGE MANOR
CONDOMINIUM AND ROCKRIDGE MANOR BOARD OF
DIRECTORS' MOTION FOR RELIEF FROM DEFAULT AND IN
OPPOSITION TO MOTION FOR DEFAULT JUDGMENT AND
LEAVE TO FILE MOTION TO DISMISS AND MOTION FOR
SUMMARY JUDGMENT**

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Telephone: 415.461.2700 Facsimile: 415.461.2726

1 [x] **BY E-MAIL:** I transmitted a true electronic copy of the foregoing documents by e-mail to
2 Christine Chang's e-mail address: Christie1chang@peoplepc.com, Gaylyn Kirn Conant's
3 email address: gkc@llcllp.com, and Lee Danforth's email address:
LDanforth@CHDLAWYERS.com

4 I declare under penalty of perjury under the laws of the State of California that the foregoing
5 is true and correct to the best of my knowledge.

6 Executed on November 2, 2007, at Larkspur, California.

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/s/ Paul A. Conroy
PAUL A. CONROY

**DECLARATION OF CHARLES BLAKENEY IN SUPPORT OF
DEFENDANTS ROCKRIDGE MANOR HOMEOWNERS'
ASSOCIATION, CHARLES BLAKENEY, ROCKRIDGE MANOR
CONDOMINIUM AND ROCKRIDGE MANOR BOARD OF
DIRECTORS' MOTION FOR RELIEF FROM DEFAULT AND IN
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